

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>CMPC USA, INC.,</b> <i>Plaintiff,</i> <b>v.</b> <b>GWSI, INC., M. GERACE ENTERPRISES, INC., KEVIN BURKE, in his individual capacity, and MICHAEL GERACE, in his individual capacity,</b> <i>Defendants.</i>	<b>CIVIL ACTION</b> <b>NO. 24-2087</b>
<b>GWSI, INC. and M. GERACE ENTERPRISES, INC.,</b> <i>Counterclaim-Plaintiffs,</i> <b>v.</b> <b>CMPC USA, INC., CMPC FOREST PRODUCTS NA, LLC, AND CMPC CELULOSA S.A.,</b> <i>Counterclaim-Defendants</i>	

**ORDER**

AND NOW, this 7th day of July, 2025, upon consideration of the June 11, 2025 Report and Recommendation of Special Master, John J. Soroko, Esquire (ECF 130) on CMPC USA, Inc.'s Partial Motion to Dismiss (ECF 123), CMPC USA, Inc.'s Objections (ECF 132), and Defendants' and Counterclaim-Plaintiffs' Response (ECF 133), it is hereby **ORDERED** that the Special Master's Report and Recommendation is **ADOPTED IN FULL**. CMPC USA, Inc.'s objections to the Report and Recommendation (ECF 132) are **OVERRULED**.

Accordingly, CMPC USA, Inc.'s Partial Motion to Dismiss (ECF 123) is **GRANTED IN**

**PART and DENIED IN PART.** The Motion is **GRANTED** with respect to Count V of the Amended Counterclaims, which is **DISMISSED WITH PREJUDICE**.<sup>1</sup> The Motion is **DENIED** as to Counts II, III, and IV of the Amended Counterclaims.

It is further **ORDERED** that CMPC USA Inc.'s Partial Motion to Dismiss (ECF 88) and CMPC Forest Products NA LLC's Motion to Dismiss (ECF 89), both filed on December 6, 2024 relating to a prior version of the counterclaims, are **DENIED as moot**.

CMPC USA, Inc. shall serve its Answer to the Amended Counterclaims within fourteen (14) days. Fed. R. Civ. P. 12(a)(4)(A).

**BY THE COURT:**

/s/ Michael M. Baylson  
MICHAEL M. BAYLSON, U.S.D.J.

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<sup>1</sup> The Court notes that neither party objected to the Special Master's recommendation that Count V be dismissed.